



## **Ad-Hoc Query on recognition of stateless persons**

**Requested by LU EMN NCP on 26<sup>th</sup> February 2015**

**Compilation of 4<sup>th</sup> May 2015**

**Responses from Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Croatia, and Norway (23 in Total)**

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### **Background Information**

Luxembourg signed the 1954 Convention relating to the Status of Stateless Persons in 1955 and ratified it in 1960. The Luxemburgish government is interested to know how other Member States have implemented the 1954 Convention.

The Directorate of Immigration would like to ask the following questions:

1. Does your Member State have a dedicated procedure in place to identify and protect stateless persons (also known as a statelessness determination procedure)?
  - a) If yes, could you please describe:

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- 1) the structure of your procedure
  - Member States' authority in charge of the determination of statelessness Relationship with asylum procedures
    - Is there a referral mechanism between the asylum procedure and the statelessness determination procedure?
  - Relationship with Dublin transfers
    - Indicate whether your Member State proceeds to Dublin transfers of former asylum seekers who claim to be stateless
  
- 2) the access to the statelessness determination procedure
  - Are there legal conditions for submitting a statelessness claim?
  - Practical access to the statelessness determination procedure (where and how to submit a claim for recognition as stateless?)
  - What is the applicant's status and what are his rights during the procedure?
  
- 3) the assessment of claims in regards to
  - the burden of proof. Does the responsibility to prove statelessness lie with the applicant or is the procedure a collaborative one where the determining authority also seeks to obtain relevant evidence?
  - the extent to which the authorities in your Member State contact consular authorities of countries with which the applicant has links to assess the statelessness claim.
  - the standard of proof. What is the threshold of evidence necessary to determine statelessness?
  - the types of evidence considered relevant.
  
- 4) the effects of having a procedure in place
  - Has the establishment of a statelessness determination procedure in your Member State created a pull factor of persons claiming to be stateless who were previously residing in territories outside the European Union or the European Economic Area (Liechtenstein, Norway, and Switzerland)?
  - Has the establishment of a statelessness determination procedure in your Member State facilitated secondary movements from another MS to your country?

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- Has the establishment of a statelessness determination procedure in your Member State resulted in additional costs? If so, can you describe what these costs covered? (Staff, office space, etc.)

If no,

- 1) Does your Member State have a mechanism to systematically identify stateless persons as part of another administrative procedure? If yes, can you please describe it?
- 2) Is your Member State considering adopting a dedicated mechanism to determine statelessness? If no, what are the reasons?

## 2. Rights and status granted to recognized stateless persons

If your MS recognizes stateless status can you please describe:

- a) What type of residence permit, authorization of stay or visa is issued? What is its validity?
- b) Do you issue a travel document to the beneficiary?
- c) Does the beneficiary of stateless status has access to the labour market? If yes, under which conditions?
- d) Does the beneficiary have access to education and training?
- e) Does the beneficiary have access to health care and social aid?

## 3. Statistics

- a) numbers of applications for recognition as stateless received over the last five years

	2010	2011	2012	2013	2014
No. of applications					

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b) the number of persons who were recognized as stateless over the last five years

	2010	2011	2012	2013	2014
No. of stateless status granted					

c) the regions/countries of origin of the persons applying for recognition as stateless

We would very much appreciate your responses by 12<sup>th</sup> April 2015.

## 2. Responses<sup>1</sup>

	<b>Austria</b>	<b>Yes</b>	<p><b>1. No</b></p> <p>1. <i>b)</i></p> <p>1) No</p> <p>2) -</p> <p><b>2.</b></p> <p>a) In Austria no special residence title for stateless persons is provided for. Stateless persons fall in the Settlement and Residence Act (NAG) under the definition of a “third county national” and therefore any residence title under the NAG is open to stateless persons. There are no special types of visa for this group of persons.</p> <p>b) Should a stateless person however apply for international protection and a positive decision be issued, the same applies as for a person with the citizenship of a particular state. According to Art. 88 Aliens Police Act, stateless persons can obtain an aliens’ passport.</p>
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<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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			<p>c) In and after the asylum procedure, the same applies as for asylum seekers / recognized refugees / subsidiary protection holders.</p> <p>d) In and after the asylum procedure, the same applies as for asylum seekers / recognized refugees / subsidiary protection holders.</p> <p>e) In and after the asylum procedure, the same applies as for asylum seekers / recognized refugees / subsidiary protection holders.</p> <p><b>3. As there is no dedicated determination procedure for stateless persons, n/a.</b></p> <p>Source: Federal Ministry of Interior</p>
	<b>Belgium</b>	<b>Yes</b>	<p>Information from “Mapping Statelessness in Belgium”, UNHCR, October 2012, <a href="http://www.emnbelgium.be/publication/unhcr-report-mapping-statelessness-belgium">http://www.emnbelgium.be/publication/unhcr-report-mapping-statelessness-belgium</a></p> <p>1. Does your Member State have a dedicated procedure in place to identify and protect stateless persons (also known as a statelessness determination procedure)? No</p> <p>b) If no,</p> <p>1) Does your Member State have a mechanism to systematically identify stateless persons as part of another administrative procedure? If yes, can you please describe it?</p> <p>Following the ratification of the 1954 Convention (and thus the approval of) by the Belgian Parliament in 1960, the 1954 Convention took direct legal effect in Belgium, Article 1 of the Law of 12 May 1960 stating that “the Convention and its Annexes will have full force and effect in Belgium”. This implies that even in the absence of specific national legislation implementing the provisions of the 1954 Convention in Belgium, individuals can directly benefit from them. Thus far, however, there is no specific legislation in Belgium regulating the determination of statelessness and the rights to be accorded to recognized stateless persons, in contrast to the legislation that exists on the recognition of refugee status and subsidiary protection.</p> <p>At present the judiciary – and more specifically civil courts and tribunals – rather than the executive is responsible for determining statelessness in Belgium. Under Article 569(1) of the Judicial Code (see <a href="http://www.droitbelge.be/codes.asp#jud">http://www.droitbelge.be/codes.asp#jud</a> in French and <a href="http://www.belgischrecht.be/codex.asp">http://www.belgischrecht.be/codex.asp</a> in Dutch), the Tribunals of First Instance are the competent authority in matters concerning personal status, including recognition of statelessness. Persons seeking recognition as stateless in Belgium must therefore apply to one of the 27 Tribunals of First Instance while an eventual appeal goes to one of the five Courts of Appeal.</p>

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			<p>Applicants have access to this procedure irrespective of their migratory status in the country. Unlike asylum-seekers, however, they are not given a temporary legal residency status for the duration of the procedure. The burden of proof lies with the applicant, i.e. he/she must present documents from the embassy or another diplomatic post of the countries with which he/she has ties, or submit the legislation of those countries on nationality. Countries with which he/she has ties can be the country where he/she was born, where he/she has stayed, of which his/her spouse is a national, etc. Based on these documents, it must be proved that the applicant has never had a nationality or that he/she has lost his/her nationality and has no possibility of getting it back.</p> <p>2) Is your Member State considering adopting a dedicated mechanism to determine statelessness? If no, what are the reasons?</p> <p>Yes.</p> <p>At the ministerial meeting to commemorate the 50th anniversary of the 1961 Convention on the Reduction of Statelessness in Geneva in December 2011, the Belgian government already announced and later, on the 1st July 2014 acceded to the 1961 Convention and pledged to introduce a new procedure for the determination of statelessness to be conducted by the Commissioner General for Refugees and Stateless Persons (CGRS). It repeated this in its governmental agreement of 6th December 2011 and of 9th October 2014, nevertheless with a varying view as to which authorities should be competent for determining statelessness whether at first instance or appeal.</p> <p>At present the Crown Prosecutor's Office appears generally to seek the advice of the administrative authorities regarding statelessness applications. In the study "Mapping Statelessness in Belgium" all four Deputy Crown Prosecutors the researchers met within the framework of this research felt that the recognition of statelessness should not be dealt with by the tribunals, as they lack expertise on the very specific and often complex issue of statelessness. This view has also been expressed by at least one judge.</p> <p>As for the CGRS, this independent administrative authority established in 1988 is thus far only competent to recognize refugee status or to grant subsidiary protection to persons seeking asylum. Its role regarding statelessness is limited to delivering to recognized stateless persons civil status documents they cannot otherwise obtain, such as birth or marriage certificates, as well as a stateless person certificate when they present a positive decision of the Tribunal of First Instance confirming their statelessness.</p>
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			<p>Those in favour of giving competence to the CGRS to deal with the recognition of statelessness refer to its expertise in asylum matters and regarding countries of origin. Furthermore, they argue that granting this competence to one central authority rather than the 27 tribunals would allow for more consistent interpretation and thus greater clarity and legal security.</p> <p>Others argue that there are constitutional obstacles to this proposal. Indeed, under Articles 144 and 145 of the Belgian Constitution, “disputes about civil rights belong exclusively to the courts”. Unlike disputes about political rights, they cannot be subject to a derogation allowed by law (which would allow administrative bodies to be competent). Since recognition of statelessness touches on nationality and personal status, those holding this view believe it falls more within the sphere of civil than political rights.</p> <p>In this context, it is interesting to note that the situation is different for asylum-seekers, whose status is determined by the CGRS. In a leading judgment, the Constitutional Court held in 1997 that when a state authority rules on the recognition of refugee status, bearing in mind the consequences of this decision as regards the right to stay in Belgium, the CGRS is acting in the exercise of a function which is so connected with public power prerogatives that it falls outside the sphere of disputes of a civil nature foreseen in Article 144 of the Constitution. It therefore held that a question regarding refugee status is one that deals with a political right.<sup>260</sup> As a result, the Court found that the Constitution allows derogation of this competence from the judiciary to an administrative body.</p> <p>By contrast, some argue that since no right to stay is automatically attached to recognition as stateless, the same reasoning cannot be applied in the context of statelessness. They argue that, unlike refugees, stateless persons should seek recognition before the tribunals and courts.</p> <p>A key element to be taken into consideration is that Articles 144 and 145 deal only with disputes, that is, contentious matters. However, the examination of, and decision on, a statelessness claim at first instance is not a contentious issue at that stage. The CGRS therefore argues that the uncertainty as regards the nature of the right to be recognized as stateless is not an obstacle to giving competence to an administrative authority to determine statelessness at first instance.</p>
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			<p>Some lawyers nevertheless fear that giving competence to an administrative authority would no longer allow for an adversarial process. In the current procedure, the applicant can respond to the Crown Prosecutor’s opinion and submit his or her response to the judge at first instance. In an administrative procedure such as that before the CGRS, the applicant’s response would be possible only after a first decision had already been made, as it would be only then that the applicant was informed of the administrative authority’s arguments in reaching a particular conclusion. Responding to these conclusions would oblige the applicant already to have appealed the decision. There are benefits to a more collaborative approach with efforts to establish an individual’s nationality more effectively shared at least at the stage of the initial decision, as set out by UNHCR. This would also help reach a solution for the person concerned, including the possibility of return to the country of nationality for people who can be confirmed as possessing the nationality, and enjoying the protection of, another state.</p> <p>Deciding whether the determination of statelessness enables the exercise of a civil or a political right becomes decisive at the appeal stage. It affects whether competence to adjudicate litigation in statelessness cases should remain with the civil tribunals and courts or be transferred to the appellate body of the CGRS, the Council for Aliens Law Litigation (CALL), in addition to its competence regarding litigation related to the recognition of refugee status and the granting of subsidiary protection.</p> <p>In this context, the CALL ruled in June 2010 that it “does not have competence to adjudicate disputes relating to civil rights or to adjudicate disputes relating to political rights that the legislator has not expressly attributed to it. Disputes concerning someone’s nationality not being a political right that the legislator has taken away from the courts and tribunals, the Council does not have competence to determine the nationality of an asylum-seeker, whether this be to decide which nationality he or she possesses, whether he or she has several or whether he or she is stateless.”</p> <p>Neither jurisprudence nor doctrine has thus far provided a final answer on the nature of the right. Indeed, it has also been suggested that the debate could be somewhat artificial and that the need is mainly for a political decision in this regard.</p> <p>The secretary of state for Asylum and Migration confirmed once more in his note of general policy on the 18th November 2014 that he wants to undertake actions to facilitate the procedure for recognition of statelessness.</p>
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			<p>2. Rights and status granted to recognized stateless persons          If your MS recognizes stateless status can you please describe:</p> <p>a) What type of residence permit, authorization of stay or visa is issued? What is its validity?          The Belgian Aliens Act does not link a right of residence to the recognition of the status of stateless person. The stateless person and his/her relatives do not have a right of temporary residence during the procedure before the Court of First Instance. As soon as he/she is recognised as a stateless person, the foreigner, just like other foreigners in exceptional circumstances, must use the humanitarian regularisation procedure (Art. 9bis of the Aliens Act) on the ground that it is impossible to return (competence of the Immigration Office in charge of access to the territory, residence, establishment and removal of foreigners) to obtain a residence permit. If the stateless person is granted a regularisation he will receive a “Certificate of inscription in the Aliens’ Register”. This is an unlimited residence permit.</p> <p>b) Do you issue a travel document to the beneficiary?          In Belgium, stateless persons can obtain a “grey passport” to travel outside the country. The request must be addressed to the Passport Service of the Ministry of Foreign Affairs. To obtain this document, the person must fulfil the conditions set out in the 1974 law on the issuance of passports. These are: (i) he or she must prove his or her identity; (ii) his or her nationality, refugee status, or recognized statelessness must be confirmed; (iii) it must be impossible to obtain a passport from competent authorities; and (iv) the person must have a permanent residence permit. Since 1 September 2004, a travel document issued by the Federal Foreign Office is for a period of two years.</p> <p>c) Does the beneficiary of stateless status has access to the labour market? If yes, under which conditions?          As a recognised stateless person you cannot work. ‘Being stateless’ is not a residence status. Depending on the procedure initiated by the stateless person and his residence status, he can work or not. Possible proceedings are:</p> <ul style="list-style-type: none"> <li>• an asylum demand – an asylum seeker who has not yet received a first instance decision in his asylum case within six months following the registration of their asylum application is allowed to work (work permit = labour card C). The asylum seeker can work until a decision is taken by the Commissioner General for Refugees and Stateless Persons (CGRS), or in case of an appeal, until a decision has been notified by the Council of Aliens Law Litigation (CALL).</li> </ul>
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			<ul style="list-style-type: none"> <li>• a demand for humanitarian regularization (Art. 9bis of the Aliens Act) – if the Immigration Office grants the person a humanitarian regularization, he receives a “Certificate of inscription in the Aliens’ Register”. This is an unlimited residence permit and the person can work without a labour card.</li> </ul> <p>d) Does the beneficiary have access to education and training? Children always have the right to go to school. For certain trainings adult stateless persons need a lawful stay in Belgium to enrol.</p> <p>e) Does the beneficiary have access to health care and social aid? In Belgium, public welfare centres can provide two different types of assistance: social integration and social aid. The right to social integration can be realized through support to find employment and/or the provision of an integration allowance, although this right is subject to conditions linked to age, nationality, and effective residence. Stateless persons must be recognized as such and be authorized to stay and be residing habitually in Belgium. In addition, they must meet general conditions, that is, be over 18, have an effective residence in Belgium, be willing to work unless medically unable, be unable to support themselves otherwise, and assert their rights to benefits which they may enjoy under Belgian or foreign social legislation. Some labour tribunals will allow a recognized stateless person to obtain social aid. Such cases are rare for recognized stateless persons whose regularization procedure is ongoing. These tribunals have argued that because it has been established that return to the country of origin is impossible, a case of force majeure exists. They have followed the position of the Court of Cassation, which had held that aliens who could not return to their country of origin for reasons beyond their control were entitled to receive social aid from the centres and were entitled to it until they could actually leave Belgium. The Court of Cassation ruling led to a Circular directing the centres to grant social aid to an alien staying in Belgium illegally but who could not return to his or her country of origin for reasons beyond his or her control.</p> <p>3. Statistics</p>
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			<p>a) numbers of applications for recognition as stateless received over the last five years</p> <table border="1"> <tr> <td></td> <td>2010</td> <td>2011</td> <td>2012</td> <td>2013</td> <td>2014</td> </tr> <tr> <td>No. of applications</td> <td>NA</td> <td>NA</td> <td>NA</td> <td>NA</td> <td>NA</td> </tr> </table> <p>b) the number of persons who were recognized as stateless over the last five years</p> <table border="1"> <tr> <td></td> <td>2010</td> <td>2011</td> <td>2012</td> <td>2013</td> <td>2014</td> </tr> <tr> <td>No. of stateless status granted</td> <td>NA</td> <td>NA</td> <td>NA</td> <td>NA</td> <td>NA</td> </tr> </table> <p>c) the regions/countries of origin of the persons applying for recognition as stateless</p> <p>Looking at the practice and jurisprudence of the tribunals, key findings include the fact that applications for recognition as stateless are relatively infrequent. Applicants appear to originate mainly from the former Soviet Union, the former Yugoslavia, and Lebanon (Palestinians), with a few also originating from Bhutan.</p>		2010	2011	2012	2013	2014	No. of applications	NA	NA	NA	NA	NA		2010	2011	2012	2013	2014	No. of stateless status granted	NA	NA	NA	NA	NA
	2010	2011	2012	2013	2014																						
No. of applications	NA	NA	NA	NA	NA																						
	2010	2011	2012	2013	2014																						
No. of stateless status granted	NA	NA	NA	NA	NA																						
	<b>Czech Republic</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.																								
	<b>Estonia</b>	<b>Yes</b>	Estonia has not ratified the 1954 Convention relating to the Status of Stateless Persons and there is no mechanism on determination or procedure in place.																								
	<b>Finland</b>	<b>Yes</b>	1. No, Finland does not have specific statelessness determination procedure.																								

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		<p>b) 1. Finland has a procedure in order to determine the citizenship of a person.</p> <p>The Finnish Immigration Service will determine citizenship status at the request of a public authority or the party, if the matter is of importance with regard to the existence of Finnish citizenship or some right or obligation related to it, the correctness of any entry in the public authorities' personal registers, the alien's residence in Finland or some other reason equivalent to these.</p> <p>Efforts shall be made to determine citizenship status of a person with unknown citizenship if his or her municipality of residence is in Finland. Citizenship status will not be determined if the person's identity has not been established in other respects, however.</p> <p>(Nationality Act Section 36)</p> <p>The determination of citizenship can become relevant in conjunction to an asylum application or the person can request the Finnish Immigration Service to determine his/her citizenship status.</p> <p>Citizenship status means present or former citizenship, statelessness or citizenship being unknown. Statelessness refers to a person not having the citizenship of any State. A person with unknown citizenship means a person for whom there is no information on citizenship or statelessness.</p> <p>When the citizenship status of a person is determined, the main aim is to establish if the person has the citizenship of a State (or States) or if he/she is stateless. The issue is examined through possible identity documents and through the own account by the person (national passport, alien's passport, other identity documents, place of birth, places of residence, language, present and former citizenships, the citizenships of the parents). Available nationality legislation and practice on the acquisition of citizenship in different States are used as information in the determination process.</p> <p>b) 2. None is planned.</p> <p>2. The main rule is that if a person has been determined as being stateless in the procedure to determine the citizenship by the Finnish Immigration Service, as described in question 1, he/she enjoys the same rights as a person with a citizenship.</p> <p>a) The status/residence permit granted depends on the process that the person is in.  b) Yes, if the person is not in the possession of any travel document, an alien's passport is issued.  c)-e) The person enjoys the same rights as any other person in the immigration processes who has a citizenship/determined citizenship.</p> <p>3. Statistics</p>
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	2010	2011	2012	2013	2014																						
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No. of stateless status granted	n/available	73	39	72	82																						
	<p><b>France</b></p>	<p><b>Yes</b></p>	<p>I - The procedure</p> <p>1- The structure: the Code for Entry and Residence of Foreign Persons and the Right of Asylum (CESEDA) which governs the law applicable to foreign nationals in France does not provide any specific process for stateless persons. The applicant has to send his/her application directly to the French Office for the Protection of Refugees and Stateless Persons (OFPRA) which is also competent for asylum applications.</p> <p>There is no referral mechanism between the asylum procedure and the statelessness procedure. The applicant has to file personally a written request and ask for an ad hoc application form to apply for stateless status.</p> <p>Regarding Dublin transfers, since police authorities do not register the stateless applications, there is no fingerprint process.</p> <p>2- The access to the procedure: there is no legal condition for such application. Any TCN residing in France can file such an application. He/she needs to write to the OFPRA a letter in French mentioning his/her name, surname, address and reasons for being stateless. Then, an ad hoc form will be returned to his/her attention, he/she needs to complete and return it to the OFPRA by registered letter. Upon receipt, the application is registered and a registration certificate is sent to the applicant. During the process, the applicant keeps his/her status in France. If he/she does not hold any residence permit, there is no obligation for the police authorities to issue a temporary residence permit.</p> <p>3-The assessment of claims: the applicant is responsible to prove his/her statelessness. However, the OFPRA can contact in some cases the competent authorities to help the applicants in obtaining a nationality or in getting additional proofs of their</p>																								

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			<p>statelessness. The OFPRA can contact the consular authorities if necessary and depending on the documents provided by the applicant. However this is not systematic. The stateless status cannot be presumed, it needs to be proved with precise and serious evidence. Most of the time the OFPRA uses a significant body of evidence. All types of evidence are accepted (written or oral statement, civil documents, letters from diplomatic representations, etc.)</p> <p>4-The effects of the procedure: as far as we know, this procedure has not created a pull factor of persons residing before outside the EU and has not facilitated secondary movements in the EU (see the low level of stateless applications in France). Additional costs concern 1.5 employees in category A and 1 in category C. There are also specific and limited fees of lawyers when the OFPRA needs to defend its decision before the Administrative appeal court (a few cases each year).</p> <p>II – Rights and status granted to recognized stateless persons</p> <p>a) If the applicant is recognized as stateless, he/she is issued a residence permit valid for one year with the mention “family and private life” with access to work. After 3 years of regular residence in France, the stateless person receives a ten year residence permit.</p> <p>b) A travel document valid for one year is issued if the beneficiary holds a one year residence permit. If he/she holds a ten year residence permit, the travel document is valid for two years.</p> <p>c) d) and e) The beneficiary has access to work, education and training, as well as to health care and social aid in the same conditions as any foreigner residing legally in France with a “family and private life” residence permit.</p> <p>III – Statistics</p> <p>a) number of applications for recognition as stateless received over the last five years</p> <table border="1" data-bbox="696 975 1688 1102"> <thead> <tr> <th></th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>No. of applications</td> <td>182</td> <td>157</td> <td>163</td> <td>227</td> <td>272</td> </tr> </tbody> </table> <p>b) number of persons who were recognized as stateless over the last five years</p> <table border="1" data-bbox="696 1219 1688 1347"> <thead> <tr> <th></th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>No. of stateless status granted</td> <td>61</td> <td>51</td> <td>55</td> <td>66</td> <td>42</td> </tr> </tbody> </table> <p>c) regions/countries of origin of the persons applying for recognition as stateless</p>		2010	2011	2012	2013	2014	No. of applications	182	157	163	227	272		2010	2011	2012	2013	2014	No. of stateless status granted	61	51	55	66	42
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			In 2014, as well as over the last 10 years, most of the applications have been filed by persons born in Europe (64.3 %) and in particular from persons born in the former USSR countries (37.1 % of the total applicants) and former Yugoslavia (18 %). In 2014, 13.6 % of the applicants were born in Africa, 10.3 % in Asia and 9.6 % in the Middle East.
	<b>Germany</b>	<b>Yes</b>	<p>1. No.</p> <p>a) No.</p> <p>b)</p> <p>1) The agreement on the legal status of stateless persons dated 28th September 1954 came into effect in Germany on 24th January 1977 (Federal Law Gazette II dated 10th February 1977, pages 235 ff.). However, special administrative procedures for the identification of statelessness have not been introduced. The responsible authority examines and clarifies questions regarding nationalities and/or statelessness in individual cases during the decision taking process on the residence status of the person concerned or during the naturalisation procedure.</p> <p>2) No; so far, special mechanisms to determine statelessness are considered not to be required.</p> <p>2.</p> <p>a) The determination of statelessness itself does not substantiate any right to a residence title in Germany. Therefore, an appropriate legal basis has not been provided for in the Residence Act. The decision on residential status follows the general regulations for residence titles, in the same way as for third-country nationals. The residence permit is limited in accordance with its purpose; the residence permit is valid for one to two years when granted for the first time.</p> <p>b) Yes. Stateless persons receive biometric travel documents in compliance with article 28 of the Agreement dated 24th September 1954 and the corresponding appendix (§§ 1 section 4, 4 subsection 1, sentence 1, number 4, Aufenthaltsverordnung = German Residence Ordinance).</p> <p>c) Yes. The decision granting access to the labour market is taken in the same manner as in cases of third-country nationals during the process to granting the residence title and under the same conditions.</p> <p>d) Yes. Stateless persons are given the possibility to attend school. The access to vocational training and studies are the same as for persons originating from third countries and the same conditions apply.</p> <p>e) Yes. As in the case of third-country nationals, the granting of health care and social benefits depends on the residential status (see answer to 2.a) and on the compliance with the specific conditions governed by the regulations of the social law.</p>

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			<p>3. a) Hereto statistics are not available.</p> <p>b)</p> <table border="1"> <thead> <tr> <th></th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>Persons*</td> <td>470</td> <td>664</td> <td>1.720</td> <td>1.990</td> <td>2.319</td> </tr> </tbody> </table> <p>*who were granted travel documents for stateless persons for the first time. Statistics for the number of persons who have been determined as being stateless in the respective year have not been compiled.</p> <p>c) Of the 7,163 travel documents issued for stateless persons for the first time between the years 2010 and 2014, 6,591 documents were issued for persons whose nationality status was recorded in the Ausländerzentralregister (AZR = German Central Register of Foreigners) as „stateless“ or „unidentified status“; in these cases the country of origin is not recorded in the AZR. Of the remaining 572 persons, the largest groups originate from the successor states of the former Soviet Union (177), from Syria (115) and Turkey (79); the remaining persons originate from different countries of origin.</p>		2010	2011	2012	2013	2014	Persons*	470	664	1.720	1.990	2.319
	2010	2011	2012	2013	2014										
Persons*	470	664	1.720	1.990	2.319										
	<b>Hungary</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.												
	<b>Ireland</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.												
	<b>Italy</b>	<b>Yes</b>	<p>a. By Law No 306/1962, Italy ratified the Convention relating to the Status of Stateless Persons and today it is one of the twelve countries in the world that have set procedures for recognizing stateless status. On 30 December 2014, the Government submitted a bill (No 2801) to Parliament, which has revived the debate on the adherence to the 1961 United Nations Conventions on the Reduction of Statelessness. (<a href="http://www.governo.it/Governo/Provvedimenti/dettaglio.asp?d=77449">http://www.governo.it/Governo/Provvedimenti/dettaglio.asp?d=77449</a>).</p>												

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			<p>Stateless status can be recognized in Italy through either an administrative or a judicial procedure.</p> <p>The procedure for administrative recognition of stateless status is the responsibility of the Department for Civil Liberties and Immigration in the Ministry of the Interior. Article 17 of Decree of the President of the Republic No 572/93 regulates it. This procedure can only be started by a person who is lawfully resident in Italy.</p> <p>For the purposes of stateless status recognition, the Ministry of the Interior requires any application to include the applicant's birth certificate, the documentation referring to his/her residence in Italy, a certified copy of his/her residence document and any document that can prove stateless status (Article 17). The application should be submitted to the Ministry of the Interior through the local Prefecture or by registered post. The administrative procedure for statelessness recognition should be completed within 350 days or 895 days if the opinion of the Ministry of Foreign Affairs and of the diplomatic mission or consular post of the foreign country is needed (Decree of the Ministry of the Interior, 18 April 2000, No 142, Appendix A).</p> <p>As regards the recognition of stateless status through a judicial procedure, the Italian legal system does not contain any provision regulating this matter. The difficulties that were encountered over the years concerning which proceedings to institute were tackled by the Court of Cassation (Sentence of 4 April 2011, No 7614, confirmed by Sentence of 23 January 2012, No 903). This sentence established that in the absence of relevant legislative provisions, the proceedings for statelessness status recognition should take the form of ordinary court proceedings, with the Ministry of the Interior as a counter-party.</p> <p>Judicial proceedings may be initiated even if an applicant does not hold a residence document. Here again, the burden of proof lies with the applicant, who should provide the necessary documents to back his/her claim.</p> <p>As regards the legal status of the persons awaiting the outcome of the proceedings for statelessness recognition, the law provides for the issuing of a residence permit on grounds of "pending statelessness status" only if the applicant already has a valid resident permit. Such permit is valid only for the duration of the proceedings (Article 11(1.c) of the Decree of the President of the Republic No 394/1999, as amended by the regulation approved by Decree No 334/2004). However, on 6 July 2013 the Court of Rome issued an order enjoining the Questura (Provincial Police Headquarters) to issue a provisional residence permit, with validity until the completion of the statelessness status proceedings.</p>
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			<p>The person who has obtained stateless status receives a renewable two-year residence permit (see: Report on International Protection, 2014, p.153).</p> <p>For the purposes of obtaining Italian nationality, two provisions apply. The first applicable provision establishes that Italian nationality is granted to children born in Italy who would otherwise be stateless. Article 1 of Law 5 February 1992, No 91 (“New rules on nationality”) provides that «children who were born in Italy from unknown or stateless parents or who cannot have the citizenship of their parents under the law of their State are Italian citizens by birth». The second applicable provision states that stateless persons, just like refugees, can apply for Italian nationality after five years of legal residence in Italy (Article 9(1e), Law No 91/1992).</p> <p>For the purposes of acquiring Italian nationality, a stateless person, just like any TCN, should have a clean criminal record and prove his/her economic self-sufficiency and tax reliability. Moreover, he/she should pose no threat to the security of the State and to public policy. It should be recalled that TCNs, unlike stateless persons, can apply for Italian nationality only after ten years of legal residence on Italian territory.</p> <p>b. Rights and status granted to recognized stateless persons In Italy, recognition of stateless status gives entitlement to:</p> <p>a - c) A renewable two-year resident permit, which is valid for carrying out working activities (Report on International Protection, 2014, p. 153);</p> <p>b) A travel document for stateless persons (except for reasons of national security), allowing for movement outside the territory of the State and the Schengen area. This travel document is issued by the local Questura (Provincial Police Headquarters);</p> <p>d) Access to all levels of education (primary, secondary and higher), as well as to training courses;</p> <p>e) Access to healthcare and welfare services and benefits, on the same footing as Italian citizens.</p> <p>(See also: <a href="http://www.statelessness.eu/resources/ens-good-practice-guide-statelessness-determination-and-protection-status-stateless">http://www.statelessness.eu/resources/ens-good-practice-guide-statelessness-determination-and-protection-status-stateless</a>).</p>
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			<p>c. Statistics</p> <p>a) N/A</p> <p>b) N/A</p> <p>c) ISTAT data (Statistical report 2014) show that as of 1 January 2013, 596 stateless people lived in Italy. The largest groups of stateless persons are in Roma communities from former Yugoslavia. The rest of the stateless population in Italy comes from former USSR countries and territories, Palestine, Tibet, Eritrea and Ethiopia.</p>
	<b>Latvia</b>	<b>Yes</b>	<p>1. According to the “Law on Stateless Persons” statelessness determination procedure in Latvia is formal.</p> <p>1) Situation when the applicant for a legal status is also an asylum seeker is not possible. Question about granting a different legal status will be addressed only in case if it is refused to grant a refugee or alternative status in the Republic of Latvia and the final decision has come into force.</p> <p>2) According to the “Law on Stateless Persons” (Section 4) to recognise a person as a stateless person, he/she shall submit all documents to The Office of Citizenship and Migration Affairs (the OCMA). These documents are: written application, the personal identification document and a document issued by a foreign competent authority that the person is not a citizen of the relevant state and he/she is not guaranteed the citizenship thereof, or documentary evidence that it is not possible to obtain such a document. The foreign competent authority is of that country which he/she have appropriate connection with (for example, place of birth, his/her previous place(s) of residence, his/her parent’s nationality). In case when OCMA has received an application, person has right to stay in the country during the determination process.</p> <p>3) Yes, the responsibility to prove statelessness lies with the applicant. The OCMA does not turn to foreign embassies. In case the person has been detained for illegal residing in the country without valid travel documents, the State Border Guard could assist and in cooperation with foreign embassies receive necessary document (see answer to question 1. 2)).</p> <p>4) In Latvia mainly persons who have been living here since the beginning of 90’s and before 90’s apply for the status of stateless person, not persons who have illegally entered Latvia in the recent years without identification documents or their identity has not been established. No, establishment of a statelessness determination procedure has not facilitated secondary movements from another MS to Latvia and not resulted in additional costs.</p>

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			<p>2. A stateless person shall reside in the Republic of Latvia in accordance with the procedures prescribed by the Immigration Law.</p> <ul style="list-style-type: none"> <li>a) Immigration Law provides the possibility to grant a temporary residence permit for a period of time not exceeding five years, if the status of a stateless person has been granted. This condition shall not apply to a foreigner to whom prior to the granting of the status of a stateless person in the Republic of Latvia a residence permit has been issued in accordance with another purpose of entry; The right to request a permanent residence permit shall be granted to a foreigner who has continuously resided in the Republic of Latvia with a temporary residence permit for at least five years prior to the end of the term of the last temporary residence permit.</li> <li>b) Yes. The OCMA grants a biometric travel document of a stateless person to any stateless person in their territory if he/she is recognised as a stateless person in the Republic of Latvia. According to Stateless Persons Law (Section 6, Second paragraph) a stateless person is entitled to receive a travel document of a stateless person in accordance with the procedures prescribed in the Personal Identification Document Law. It means that any person who is recognised as a stateless person in the Republic of Latvia (decision is taken by OCMA) can receive a travel document. Moreover, according to Personal Identification Document Law third paragraph of Section 9 it is duty for stateless person to receive travel document.</li> <li>c) Yes. If he/she has received a residence permit, it gives him/her the right to work in accordance with Clause 20 of the Fifth Paragraph of Section 9 of the Immigration Law.</li> <li>d) A stateless person who has a valid travel document of the stateless person issued in the Republic of Latvia and who has a valid residence permit in the Republic of Latvia has the right to education in accordance with Clause 5, 6 of the First Paragraph of Section 3 of the Education Law.</li> <li>e) Yes. If he/she has received a residence permit, he/she may obtain the status of the unemployed or the job-seeker, may receive consultations, participate in non-formal education events at the State Employment Agency, among others, to acquire Latvian language, but would not be eligible for more extensively funded active employment measures, for example, they will not be engaged in such long-term campaigns as subsidised employment or acquisition of a vocational or non-formal education programme. So, the most essential criterion that determines the availability of a social security system service to stateless person is the type of the received residence permit and his/ her employment.</li> </ul>
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			<p>Medical assistance to the stateless person shall be provided for payment from insurance companies, employers, patients themselves or from other resources in accordance with regulatory enactments.</p> <p>3. Statistics</p> <p>a) numbers of applications for recognition as stateless received over the last five years</p> <table border="1"> <thead> <tr> <th></th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>No. of applications</td> <td>10</td> <td>13</td> <td>8</td> <td>4</td> <td>21</td> </tr> </tbody> </table> <p>b) the number of persons who were recognized as stateless over the last five years</p> <table border="1"> <thead> <tr> <th></th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>No. of stateless status granted</td> <td>9</td> <td>12</td> <td>7</td> <td>3</td> <td>19</td> </tr> </tbody> </table> <p>c) the regions/countries of origin of the persons applying for recognition as stateless</p> <p>Former USSR Citizens</p>		2010	2011	2012	2013	2014	No. of applications	10	13	8	4	21		2010	2011	2012	2013	2014	No. of stateless status granted	9	12	7	3	19
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No. of stateless status granted	9	12	7	3	19																						
	<b>Lithuania</b>	<b>Yes</b>	<p>1. There is no particular procedure established.</p> <p>1.1. No, there is no mechanism to systematically identify stateless persons as part of another procedure.</p> <p>1.2. No. The general citizenship mechanism allows the stateless persons to obtain the Lithuanian citizenship.</p> <p>2. a) There is no such procedure as “recognition of stateless status” in Lithuania. Stateless people fall under the same regulation as foreigners, as it concerns issuing residence permits or visas.</p> <p>b) if the stateless person has the right to reside in Lithuania (possesses a residence permit), s/he can obtain a travel document of the stateless person, which is issued according to the 1954 Convention relating to the Status of Stateless Persons.</p>																								

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			c)-e) the same conditions as the ones applied to foreigners (third country nationals) apply. 3. n/a
	<b>Luxembourg</b>	<b>Yes</b>	<p>1. The Grand Duchy of Luxembourg signed the Convention of 28 September 1954 relating to the status of stateless persons, but has not legislated regarding statelessness at the national level. Yet internal reflections are currently held at the Directorate of Immigration of the Ministry of Foreign and European Affairs. Nevertheless, Luxembourg has formulated and has been using a good administrative practice.</p> <p>Current Procedure in relation to statelessness:</p> <p>A foreigner without nationality and who resides normally in Luxembourg may apply for statelessness status in accordance with the 1954 Convention. His/her request shall be submitted to the Foreigners Department of the Directorate of Immigration of the Ministry of Foreign and European Affairs, which is the only competent body to grant this status.</p> <p>The procedure in relation to statelessness does not apply to irregular staying third-country nationals in Luxembourg and who to those have no link whatsoever with the country. Also the filing of the application cannot disrupt the mechanisms of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.</p> <p>The status of stateless person is not presumed. The status must be justified in all its determining elements with specific and serious evidence. Therefore, the foreigner must submit a written and reasoned application, which includes his/her personal contact information (name(s), first name(s), date of birth, place of birth, address), his/her previous place(s) of residence, as well as a clear and detailed explanation on the reasons that have led him/her to not having a nationality. The applicant shall attach all the supporting evidence to the application.</p> <p>The Foreigners Department of the Directorate of Immigration examines the application based on the evidence provided. It also collects all the relevant elements which allow to determine the different countries where the applicant could have obtained their nationality and can obtain information from different competent authorities (if it is necessary and after having obtained express consent from the applicant). If needed, the foreigner will be invited to an interview or to present additional evidence or supplementary information.</p> <p>2.</p> <ol style="list-style-type: none"> <li>a. The recognition of stateless status does not automatically grant an authorisation of stay. The foreigner to whom the stateless status has been granted is considered as a third-country national and shall fulfil all the conditions of entry and stay set out in Chapter 3 of the amended law of 29 August 2008 on free movement of persons and immigration.</li> <li>b. Yes. A biometric travel document for stateless person is issued to the beneficiary of the stateless status.</li> <li>c. See answer to question 2.a).</li> <li>d. See answer to question 2.a).</li> <li>e. See answer to question 2.a)</li> </ol>

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	2010	2011	2012	2013	2014																						
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No. of stateless status granted	NA	1	1	4	5																						
	<p><b>Netherlands</b></p>	<p><b>Yes</b></p>	<p>1b. No, The Netherlands has no statelessness determination procedure. The Netherlands has signed the Convention of 28 September 1954 relating to the status of stateless persons.</p> <p>1.1 The Netherlands does not have a mechanism in place to systematically identify stateless persons.</p> <p>1.2 At this point the Netherlands is adopting a dedicated mechanism to determine statelessness.</p>																								
	<p><b>Malta</b></p>	<p><b>Yes</b></p>	<p>Firstly it is to be remarked that <b>Malta has not yet acceded to the 1954 Convention relating to the Status of Stateless Persons</b></p> <p>1. Does your Member State have a dedicated procedure in place to identify and protect stateless persons (also known as a statelessness determination procedure)?</p> <p><b>Malta does not have yet any such determination procedures</b></p>																								

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			<p>a) If yes, could you please describe:</p> <ol style="list-style-type: none"> <li>1) the <u>structure</u> of your procedure             <ul style="list-style-type: none"> <li>○ Member States' authority in charge of the determination of statelessness Relationship with asylum procedures                 <ul style="list-style-type: none"> <li>▪ Is there a referral mechanism between the asylum procedure and the statelessness determination procedure?</li> </ul> </li> <li>○ Relationship with Dublin transfers                 <ul style="list-style-type: none"> <li>▪ Indicate whether your Member State proceeds to Dublin transfers of former asylum seekers who claim to be stateless</li> </ul> </li> </ul> </li> <li>2) the <u>access</u> to the statelessness determination procedure             <ul style="list-style-type: none"> <li>○ Are there legal conditions for submitting a statelessness claim?</li> <li>○ Practical access to the statelessness determination procedure (where and how to submit a claim for recognition as stateless?)</li> <li>○ What is the applicant's status and what are his rights during the procedure?</li> </ul> </li> <li>3) the <u>assessment</u> of claims in regards to             <ul style="list-style-type: none"> <li>○ the burden of proof. Does the responsibility to prove statelessness lie with the applicant or is the procedure a collaborative one where the determining authority also seeks to obtain relevant evidence?</li> <li>○ the extent to which the authorities in your Member State contact consular authorities of countries with which the applicant has links to assess the statelessness claim.</li> <li>○ the standard of proof. What is the threshold of evidence necessary to determine statelessness?</li> <li>○ the types of evidence considered relevant.</li> </ul> </li> <li>4) the <u>effects</u> of having a procedure in place</li> </ol>
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			<ul style="list-style-type: none"> <li>○ Has the establishment of a statelessness determination procedure in your Member State created a pull factor of persons claiming to be stateless who were previously residing in territories outside the European Union or the European Economic Area (Liechtenstein, Norway, and Switzerland)?</li> <li>○ Has the establishment of a statelessness determination procedure in your Member State facilitated secondary movements from another MS to your country?</li> <li>○ Has the establishment of a statelessness determination procedure in your Member State resulted in additional costs? If so, can you describe what these costs covered? (Staff, office space, etc.)</li> </ul> <p>b) <i>If no,</i></p> <ol style="list-style-type: none"> <li>1) Does your Member State have a mechanism to systematically identify stateless persons as part of another administrative procedure? If yes, can you please describe it?  <b>There is no such mechanism - where the Authorities require information regarding such national status a case by case assessment is made and is mainly presumed on the basis of the documentation available.</b></li> <li>2) Is your Member State considering adopting a dedicated mechanism to determine statelessness? If no, what are the reasons?  <b>There are no current plans to provide such formal mechanism. No particular problems have yet been encountered and in view that Malta has not yet acceded to the Convention.</b></li> </ol> <p><b>2. Rights and status granted to recognized stateless persons</b></p> <p>If your MS recognizes stateless status can you please describe:</p> <ol style="list-style-type: none"> <li>a) What type of residence permit, authorization of stay or visa is issued? What is its validity?</li> <li>b) Do you issue a travel document to the beneficiary?</li> </ol>
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			<p>c) Does the beneficiary of stateless status has access to the labour market? If yes, under which conditions?</p> <p>d) Does the beneficiary have access to education and training?</p> <p>e) Does the beneficiary have access to health care and social aid?</p> <p>Where a person is considered to be stateless</p> <p>a) s/he is granted a residence permit in the same way as other legal migrants are issued.</p> <p>b) In accordance with Passport legislation a person who is resident in Malta and does not have a valid travel document may be issued with an Aliens Passport.</p> <p>c) In the same way as other third country nationals.</p> <p>d) In the same way as other third country nationals.</p> <p>e) In the same way as other third country nationals.</p> <p>-</p> <p><b>3. Statistics</b></p> <p><b>The following statistics do not apply in the case of Malta</b></p> <p>-</p> <p>a) numbers of applications for recognition as stateless received over the last five years</p> <p>-</p> <table border="1" data-bbox="696 1203 1688 1334"> <tr> <td>-</td> <td>2010</td> <td>2011</td> <td>2012</td> <td>2013</td> <td>2014</td> </tr> <tr> <td>No. of applications</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> </table>	-	2010	2011	2012	2013	2014	No. of applications	-	-	-	-	-
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			<p>b) the number of persons who were recognized as stateless over the last five years</p> <p>-</p> <table border="1"> <thead> <tr> <th></th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>No. of stateless status granted</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>c) the regions/countries of origin of the persons applying for recognition as stateless</p>		2010	2011	2012	2013	2014	No. of stateless status granted					
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	<b>Poland</b>	<b>Yes</b>	<p>1-2. Poland is not a signatory of the Convention. Therefore, there is no appropriate statelessness determination procedure, nor a legal definition of a stateless person. However, some identity and citizenship determination procedures exist. The purpose of these proceedings is not, however, to provide protection to stateless persons resulting from the lack of a legal relationship with the state per se. These are the following:</p> <ul style="list-style-type: none"> <li>▪ asylum procedure,</li> </ul> <p>Identification of a foreigner includes determining and/or confirming the applicant's personal data (first name and surname), the country of origin and citizenship. The basic forms of identifying foreigners are:</p> <ul style="list-style-type: none"> <li>- checking their data in national and EU systems (including in particular: POBYT, EURODAC, SIS, VIS, Registratura, AFIS),</li> <li>- cooperation with third country diplomatic posts (located in or outside the Republic of Poland. The cooperation may also cover exchanging letters and/or consular intelligence, and preparing dactyloscopic documentation – if required by the third country diplomatic post).</li> </ul> <p>The alternative methods of identifying foreigners are the following:</p> <ul style="list-style-type: none"> <li>- phone interviews with experts, linguistic analyses and the so-called knowledge tests;</li> <li>- close cooperation in the area of identification by strengthening cooperation with third countries;</li> <li>- identifying foreigners by organising interviews with experts from the foreigner's country of origin from migration authorities, Border Guard or diplomatic missions.</li> </ul>												

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		<p>In the absence of any documents, the identification takes place on the basis of the foreigner's oral statement. In addition, the bodies carrying out the proceedings inform the foreigner on the obligation to give true information and on sanctions imposed by Polish law for doing otherwise.</p> <p>Pursuant to Article 2(9) of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, a foreigner's country of origin is his/her country of citizenship; in case when it is impossible to define citizenship or when a foreigner does not possess the citizenship of any country – the country, in which he/she has resided permanently.</p> <p>In practice, if it is impossible to identify a foreigner, particularly to determine his/her country of origin, the issue is left to be resolved by the Border Guard – the body responsible for effective execution of the expulsion decision if international protection in Poland is not granted (a foreigner must regularly appear at the relevant Border Guard unit for data verification, during such meetings, Border Guard officers make another attempt at verifying doubtful data, including e.g. identification data). The sentence of the decision states that citizenship is unknown and the grounds for the decision state the possible options.</p> <p>The Border Guard officers for establishing and confirming identity of foreigners use the following documents (documents which are accepted as a proof of one's citizenship):</p> <ul style="list-style-type: none"> <li>- all types of passports (including passports for children);</li> <li>- identity documents (including documents issued for a specific period and temporary documents);</li> </ul> <p>A list of documents which may be accepted as a proof of one's citizenship:</p> <ul style="list-style-type: none"> <li>- the above-mentioned documents (the general list) whose validity expired over 6 months earlier;</li> <li>- photocopies of the above-mentioned documents;</li> <li>- driving licenses or photocopies thereof;</li> <li>- birth certificates or photocopies thereof;</li> <li>- company identity cards or photocopies thereof;</li> <li>- witness statements;</li> <li>- statements made by an individual;</li> <li>- any other documents which may be helpful in establishing identity of an individual;</li> <li>- service badges and military service books;</li> <li>- seaman's registration books and skippers' service cards;</li> <li>- laissez-passer issued by the country of origin.             <ul style="list-style-type: none"> <li>▪ legalisation procedure,</li> </ul> </li> </ul> <p>According to the Act of 12 December 2013 on Foreigners (Article 3(2)), a foreigner is defined as any person who does not have Polish citizenship. Thus, in the light of Polish regulations, stateless persons are considered foreigners. They have the right to be granted a residence permit as regulated by the Act on Foreigners (including temporary residence permit, permanent residence permit and long-term resident's EU residence permit).</p>
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			<p>As a general rule, legal and documented stay in Poland is a prerequisite when applying for residence permits. A foreigner while filling an application should provide data related to the travel document. In particularly justified cases, if the foreigner is not in possession of a valid travel document and is unable to obtain it, he/she can produce another proof of identification. Moreover, a Polish identity document of a foreigner may be issued to a foreigner who resides in the territory of the Republic of Poland and has no citizenship, provided this is justified by the interest of the Republic of Poland. A foreigner may be issued the document (valid for 1 year from the date of its issue) if s/he does not have a travel document and is unable to obtain another proof of identification. Within the period of its validity, a Polish identity document of a foreigner shall confirm the identity of the foreigner during his/her stay in the territory of the Republic of Poland, but it shall not confirm his/her citizenship. Moreover, the document shall not entitle its holder to cross the border and shall not exempt the foreigner from the obligation to obtain a visa, a temporary residence permit, a permanent residence permit or a long-term resident's EU residence permit.</p> <ul style="list-style-type: none"> <li>▪ naturalisation procedure,</li> </ul> <p>Apart from the possibility to apply for granting citizenship by the President (section 3 of the Act on Polish citizenship), there are the following provisions which are addressed to people who do not have a citizenship:</p> <ul style="list-style-type: none"> <li>- acquiring Polish citizenship by virtue of law - when a child is born or found on the territory of the Republic of Poland, and both parents are unknown, or they have no citizenship (Article 14 point 2 and Article 15 of the Act on Polish citizenship),</li> <li>- recognition as a Polish citizen – under administrative proceedings conducted by a voivode (Article 30 (1)(2a) of the Act on Polish citizenship) – when a foreigner has been residing continuously in Poland for at least 2 years on the basis of a permanent residence permit or a long-term EU resident permit and holds no citizenship.</li> </ul> <p>3. There is no clear and comprehensive statistical data on the number of stateless persons residing in Poland. The available data shows that the group of people without citizenship in Poland is relatively small.</p> <table border="1" data-bbox="611 1027 1962 1402"> <thead> <tr> <th><b>Number of stateless applicants</b></th> <th><b>2012</b></th> <th><b>2013</b></th> <th><b>2014</b></th> </tr> </thead> <tbody> <tr> <td>Asylum procedure</td> <td>41</td> <td>34</td> <td>38</td> </tr> <tr> <td>Residence permit for temporary stay/Temporary residence permit</td> <td>70</td> <td>54</td> <td>20</td> </tr> <tr> <td>Residence permit to settle/Permanent residence permit</td> <td>7</td> <td>11</td> <td>6</td> </tr> <tr> <td>Long-term resident's EU residence permit</td> <td>0</td> <td>3</td> <td>0</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Naturalization procedure - stateless persons granted Polish citizenship</b></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Recognized as Polish citizens</td> <td>5</td> <td>0</td> <td>8</td> </tr> <tr> <td>granted Polish citizenship by the President</td> <td>no data</td> <td>13</td> <td>26</td> </tr> </tbody> </table>	<b>Number of stateless applicants</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	Asylum procedure	41	34	38	Residence permit for temporary stay/Temporary residence permit	70	54	20	Residence permit to settle/Permanent residence permit	7	11	6	Long-term resident's EU residence permit	0	3	0					<b>Naturalization procedure - stateless persons granted Polish citizenship</b>				Recognized as Polish citizens	5	0	8	granted Polish citizenship by the President	no data	13	26
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	<b>Slovak Republic</b>	<b>Yes</b>	<p>1. Does your Member State have a dedicated procedure in place to identify and protect stateless persons (also known as a statelessness determination procedure)?</p> <p>In the Slovak Republic, there is no single procedure in place dedicated to identify and protect stateless persons. According to the Act no. 404/2011 Coll. on Residence of Aliens and on Changes and Amendments of Some Acts, a stateless person is a person which is not considered as a citizen of any state according to their laws. In order to demonstrate this fact, it is sufficient if s/he demonstrates that s/he does not have any citizenship in the state:</p> <p>a) in which s/he was born;  b) in which s/he has had previous residence or stay; and  c) whose citizenship his/her parents and other family members have.</p> <p>a) If yes, could you please describe:</p> <p>1) the structure of your procedure</p> <ul style="list-style-type: none"> <li>○ Member States' authority in charge of the determination of statelessness Relationship with asylum procedures <ul style="list-style-type: none"> <li>▪ Is there a referral mechanism between the asylum procedure and the statelessness determination procedure?</li> </ul> </li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>○ Relationship with Dublin transfers <ul style="list-style-type: none"> <li>▪ Indicate whether your Member State proceeds to Dublin transfers of former asylum seekers who claim to be stateless</li> </ul> </li> </ul> <p>Yes.</p> <p>2) the access to the statelessness determination procedure</p> <ul style="list-style-type: none"> <li>○ Are there legal conditions for submitting a statelessness claim?</li> </ul>
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			<ul style="list-style-type: none"> <li>○ Practical access to the statelessness determination procedure (where and how to submit a claim for recognition as stateless?)</li> <li>○ What is the applicant's status and what are his rights during the procedure?</li> </ul> <p>A stateless person does not have a separate status. When a person is identified stateless during the process of his/her residence permit application in the Slovak Republic, he/she is granted a status of a third country national.</p> <p>3) the assessment of claims in regards to</p> <ul style="list-style-type: none"> <li>○ the burden of proof. Does the responsibility to prove statelessness lie with the applicant or is the procedure a collaborative one where the determining authority also seeks to obtain relevant evidence?</li> </ul> <p>The applicant is responsible for the burden of proof.</p> <ul style="list-style-type: none"> <li>○ the extent to which the authorities in your Member State contact consular authorities of countries with which the applicant has links to assess the statelessness claim.</li> </ul> <p>This depends on the case-by-case basis.</p> <ul style="list-style-type: none"> <li>○ the standard of proof. What is the threshold of evidence necessary to determine statelessness?</li> </ul> <p>According to the Act no. 404/2011 Coll. on Residence of Aliens and on Changes and Amendments of Some Acts, a stateless person is a person which is not considered as a citizen of any state according to their laws. In order to demonstrate this fact, it is sufficient if s/he demonstrates that s/he does not have any citizenship in the state</p> <ul style="list-style-type: none"> <li>a) in which s/he was born;</li> <li>b) in which s/he has had previous residence or stay; and</li> <li>c) whose citizenship his/her parents and other family members have.             <ul style="list-style-type: none"> <li>○ the types of evidence considered relevant.</li> </ul> </li> </ul> <p>The decision about the acceptance of the documents proving the statelessness of the person is to be made by the respective authority.</p> <p>4) the effects of having a procedure in place</p>
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		<p>N/A.</p> <ul style="list-style-type: none"> <li>○ Has the establishment of a statelessness determination procedure in your Member State created a pull factor of persons claiming to be stateless who were previously residing in territories outside the European Union or the European Economic Area (Liechtenstein, Norway, and Switzerland)?</li> <li>○ Has the establishment of a statelessness determination procedure in your Member State facilitated secondary movements from another MS to your country?</li> <li>○ Has the establishment of a statelessness determination procedure in your Member State resulted in additional costs? If so, can you describe what these costs covered? (Staff, office space, etc.)</li> </ul> <p>b) If no,</p> <ol style="list-style-type: none"> <li>1) Does your Member State have a mechanism to systematically identify stateless persons as part of another administrative procedure? If yes, can you please describe it?</li> </ol> <p>See 1.</p> <ol style="list-style-type: none"> <li>2) Is your Member State considering adopting a dedicated mechanism to determine statelessness? If no, what are the reasons?</li> </ol> <p>Currently no, there is a low number of migrants identified as stateless persons in the Slovak Republic.</p> <p>2. Rights and status granted to recognized stateless persons</p> <p>If your MS recognizes stateless status can you please describe:</p> <ol style="list-style-type: none"> <li>a) What type of residence permit, authorization of stay or visa is issued? What is its validity?</li> </ol> <p>A stateless person shall be granted a permanent residence permit for an unlimited period of time, if he/she meets the legislative conditions mentioned above in 1.3.</p> <ol style="list-style-type: none"> <li>b) Do you issue a travel document to the beneficiary?</li> </ol> <p>Yes, a stateless person who was granted a permanent residence is issued a travel document according to the Convention relating to the Status of Stateless Persons from 28 September 1954.</p>
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			<p>c) Does the beneficiary of stateless status has access to the labour market? If yes, under which conditions?</p> <p>It depends on the type of the residence permit, its duration etc. Persons with tolerated stay do not have access to the labour market. A special regime is also applied in case of persons with granted international protection. A stateless person with permanent residence permit (for an unlimited period of time) can enter the labour market according to the conditions for third country nationals set by the national legislation.</p> <p>d) Does the beneficiary have access to education and training?</p> <p>Minors are subject to compulsory education. As for the adults, a system of provision of free language courses and courses of socio-cultural orientation is still absent. These kinds of courses are usually available at the local level provided for free mainly by non-governmental or intergovernmental organizations (IOM).</p> <p>In the field of education, the Integration Policy of the Slovak Republic envisages standardized courses of Slovak language for adult foreigners according to the European framework with the possibility of obtaining a certificate.</p> <p>Currently, an educational program Slovak as a foreign language is available at the <a href="#">Center for Slovak as a Foreign Language</a> at the Comenius University in Bratislava. The respective faculty provides also courses of Slovak language for foreigners as well as courses of socio-cultural orientation. Another educational institute is <a href="#">Institute for Language and Academic Preparation for Foreigners and Compatriots</a> which provides Slovak language courses including possibility of obtaining a certificate.</p> <p>In addition to this, stateless persons can apply for funding of courses through International Organization for Migration (IOM):</p> <p>As for the retraining courses, there is a possibility to apply for retraining courses through Migration Information Centre of International Organisation for Migration (IOM) under <a href="#">Allocation Scheme of Educational or Retraining Courses for Migrants</a> financed by the European Union from the European Fund for the Integration of Third Country Nationals within the framework of the programme Solidarity and Management of Migration Flows. There are 3 types of course allowances which may be granted to applicants within the IOM Migration Information Centre project (Phase VII):</p>
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			<p>a) Starting Allowance - designed for applicants who are currently unemployed and for whom completion of the course is a prerequisite for obtaining employment, or to whom the course will help in the initial process of integration into society in Slovakia. This allowance is especially designed for applicants who are in an unfavourable social situation and do not have sufficient financial means for the course funding. Maximum amount of the starting allowance is EUR 450 excluding VAT for each applicant.</p> <p>b) Support Allowance - designed for applicants who have already been partially integrated in the Slovak labour market and to whom completion of the course will enable increasing their qualifications in line with development of job skills, qualifications and achieved education. After completing the course, the applicant will have broader opportunities of getting a better / higher job position in current employment in line with achieved education, or the course will increase the applicant's ability to gain wider opportunities in the labour market. Maximum amount of the support allowance is EUR 225 excluding VAT for each applicant.</p> <p>c) Group Allowance - designed for cases where the IOM MIC identifies a group of applicants applying for the same type of course in the same region of Slovakia. A Committee may then assign a group course with regard to the cost efficiency of incurred financial means. Maximum amount of the allowance is EUR 840 excluding VAT for an identified group of applicants.</p> <p>The following can be funded from the allowance,:</p> <ul style="list-style-type: none"> <li>• educational / retraining course expenses (price of the course),</li> <li>• travelling expenses of the applicant from the place of his residence to the destination point of the course and back,</li> <li>• expenses for textbooks and teaching resources,</li> <li>• administrative expenses (fee stamps, fees etc.) linked with certificate or licence acquiring,</li> <li>• accommodation expenses, if the course is held outside the applicant's place of residence and accommodating the applicant is less expensive than regular commuting,</li> </ul> <p>medical examination, if it is necessary for acquiring a certificate or a licence.</p>
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			<p>As for the retraining courses, they are provided by labour offices only to registered job seekers i.e. those who are able enter the labour market.</p> <p>e) Does the beneficiary have access to health care and social aid?</p> <p>It depends on the type of residence permit granted to the foreigner. Persons with tolerated stay do not have access to the public health insurance system. However, they are entitled to commercial insurance. If they meet the conditions set by the national legislation, they can apply for the benefit in material need.</p> <p>3. Statistics</p> <p>d) numbers of applications for recognition as stateless received over the last five years</p> <p>N/A. Data regarding the number of applications for tolerated stay by stateless persons (based on their status of a stateless person) is not collected in the Slovak Republic.</p> <table border="1" data-bbox="696 912 1688 1040"> <tr> <td></td> <td>2010</td> <td>2011</td> <td>2012</td> <td>2013</td> <td>2014</td> </tr> <tr> <td>No. of applications</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> </tr> </table> <p>e) the number of persons who were recognized as stateless over the last five years</p> <p>It is possible to provide data regarding stateless persons who were granted permanent residence permit in the Slovak Republic. The data include persons who were granted a residence permit, their residence permit was renewed or prolonged.</p> <table border="1" data-bbox="696 1276 1688 1391"> <tr> <td></td> <td>2010</td> <td>2011</td> <td>2012</td> <td>2013</td> <td>2014</td> </tr> <tr> <td>No. of stateless persons with</td> <td>10</td> <td>7</td> <td>6</td> <td>7</td> <td>4</td> </tr> </table>		2010	2011	2012	2013	2014	No. of applications	N/A	N/A	N/A	N/A	N/A		2010	2011	2012	2013	2014	No. of stateless persons with	10	7	6	7	4
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No. of applications	N/A	N/A	N/A	N/A	N/A																						
	2010	2011	2012	2013	2014																						
No. of stateless persons with	10	7	6	7	4																						

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			<table border="1"> <tr> <td>permanent residence</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <p>f) the regions/countries of origin of the persons applying for recognition as stateless: Armenia, Democratic Republic of the Congo, Georgia, Hungary, Latvia, Morocco, Slovak Republic, Romania, Ukraine, USA</p> <table border="1"> <thead> <tr> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>1x USA</td> <td>1x Romania</td> <td>1x Latvia</td> <td>1x Ukraine</td> <td>1x Romania</td> </tr> <tr> <td>1x Ukraine</td> <td>1x Ukraine</td> <td>2x Slovak Republic</td> <td>1x Morocco</td> <td>1x Ukraine</td> </tr> <tr> <td>4x Slovak Republic</td> <td>1x Armenia</td> <td>1x Morocco</td> <td>3x Slovak Republic</td> <td>2x Slovak Republic</td> </tr> <tr> <td>1x Morocco</td> <td>1x Morocco</td> <td>1x Hungary</td> <td>1x Georgia</td> <td></td> </tr> <tr> <td>1x DRC</td> <td>3x Slovak Republic</td> <td>1x unidentified</td> <td>1x USA</td> <td></td> </tr> <tr> <td>2x unidentified</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	permanent residence						2010	2011	2012	2013	2014	1x USA	1x Romania	1x Latvia	1x Ukraine	1x Romania	1x Ukraine	1x Ukraine	2x Slovak Republic	1x Morocco	1x Ukraine	4x Slovak Republic	1x Armenia	1x Morocco	3x Slovak Republic	2x Slovak Republic	1x Morocco	1x Morocco	1x Hungary	1x Georgia		1x DRC	3x Slovak Republic	1x unidentified	1x USA		2x unidentified				
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1x DRC	3x Slovak Republic	1x unidentified	1x USA																																									
2x unidentified																																												
	<b>Slovenia</b>	<b>Yes</b>	<p>Q.1.;</p> <p>b.) No;</p> <p>1.) Its a part of other administrative procedures such as application for citizenship, residence permit or status for international protection (Citizenship Act, Alien Act, International protection Act).</p> <p>2.) No. The current system for recognition of stateless persons and adoption of legal status based on recognition of stateless in Slovenia is effective enough so we do not consider any such changes in a near future.</p> <p>Q.2.;</p> <p>a). There are several options in order to obtain status as recognised stateless persons if other conditions required by the relevant legislation are fulfilled, see Q.1 b.).</p> <p>b.) In case there are no any legal reasons for person with recognised international protection special type of passport for foreigners could be issue.</p>																																									

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			<p>c.) Yes under the Act for employment and work of aliens.</p> <p>d.) Yes.</p> <p>e.) Yes.</p> <p>Q.3.</p> <p>a.) numbers of applications for recognition as stateless received over the last five years;</p> <table border="1" data-bbox="696 571 1688 699"> <thead> <tr> <th></th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>No. of applications</td> <td>0</td> <td>4</td> <td>1</td> <td>4</td> <td>1</td> </tr> </tbody> </table> <p>b.) the number of persons who were recognized as stateless over the last five years;</p> <table border="1" data-bbox="696 799 1688 927"> <thead> <tr> <th></th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>No. of stateless status granted</td> <td>0</td> <td>1</td> <td>0</td> <td>1</td> <td>1</td> </tr> </tbody> </table> <p>From 2010-2014 we didn't issue any international protection status based on recognition of stateless since all persons who applied leave SI territory before application was finished. At the moment we have 12 persons recognized as stateless with valid permanent residence permit, 2 persons with valid temporary residence permit and 1 person with recognized subsidiary protection status.</p>		2010	2011	2012	2013	2014	No. of applications	0	4	1	4	1		2010	2011	2012	2013	2014	No. of stateless status granted	0	1	0	1	1
	2010	2011	2012	2013	2014																						
No. of applications	0	4	1	4	1																						
	2010	2011	2012	2013	2014																						
No. of stateless status granted	0	1	0	1	1																						
	<p><b>Spain</b></p>	<p><b>Yes</b></p>	<p>Spain is a State party to the 1954 Convention on the Status of Stateless Persons. According to the Organic Law 4/2000 (11 January), and the Regulation adopted by the Royal Decree 865/2001 (20 July), the Ministry of Interior is the competent authority for determining whether a person meets the criteria for recognition of statelessness as set out in the Convention.</p> <p>The statelessness status will be granted as established in the Convention of stateless Persons, to persons not considered by any state, as his/her national, according to its legislation, and stating lack of nationality .To grant recognition, the person shall fulfil the requirements and procedures foreseen in the regulation.</p> <p>Current Procedure:</p>																								

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			<p>The person must submit a claim in the Spanish Asylum Office, Aliens Offices, or Police Stations within a month from the entrance in Spanish territory, except for those who has legal residence stay, who must submit the application before the document expire.</p> <p>During the examination period, a provisional residence stay will be issued for the applicant.</p> <p>The applicants must submit as many documents they have and a reasoned application including all their personal data and a detailed explanation on the reasons led them not having nationality. If needed the applicant will be assisted by an interpreter if an interview is required</p> <p>The national authorities (Spanish Asylum Office) will examine the application and the resolution will be taken within a period not superior to three months. The positive decision will give place to the recognition of statelessness as set out in the Convention (1954).</p> <p>Recognition of statelessness entitles the person to a residence permit, family reunification benefits and work rights in Spain. The person is issued a Statelessness Status card as well as travel documents.</p> <p>Statistics:                  2010:applications: 177; Recognitions: 3                  2011: applications: 92; Recognitions: 5                  2012: applications: 478; Recognitions:266                  2013: applications: 1143; Recognitions:266                  2014; applications :251; Recognitions :n-a                  The 95% of applicant are from Sahara</p>
	<b>Sweden</b>	<b>Yes</b>	<p>1. No, S has not a specific procedure to identify stateless persons. The procedure is included in the case procedure which take place when an application for residence permit is lodged. Finally when it comes to the national registration which takes place at the tax authorities, they have the possibility to make further investigation about the statelessness. When a stateless person applies for citizenship there is also a possibility to make investigation about the nationality of the person (i.e. if there are some doubts about the identity).</p> <p>2. a. Depends on the kind of status for the residence permit. If asylum is granted included humanitarian reasons there will be a permanent residence permit issued for the stateless person. Otherwise there can be temporary stay for working reason or for studies. If the stay is longer than one year there is access right to national registration which give the person access to the social benefit package.</p> <p>b. Yes, but depends on the type of residence permit. If refugee – 5 year travel document is most common. Otherwise it is Aliens passport.</p> <p>c. Yes, if they have status as living in Sweden. Short visits are not included in these rights.</p> <p>d. see c.</p> <p>e. Yes, if registered in the national registration system and have a status as living in Sweden.</p> <p>Statistics is not applicable because Sweden does not have a specific process for applying for recognition or statelessness.</p>
	<b>United Kingdom</b>	<b>Yes</b>	

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			<p>1. Does your Member State have a dedicated procedure in place to identify and protect stateless persons (also known as a statelessness determination procedure)?</p> <p>Yes.</p> <p>The policy guidance is here and answers to the questions are given below:  <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/258252/stateless-guide.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/258252/stateless-guide.pdf</a></p> <p>a) If yes, could you please describe:</p> <p>2. the structure of your procedure</p> <p>a. Member States' authority in charge of the determination of statelessness</p> <ul style="list-style-type: none"> <li>▪ Is there a referral mechanism between the asylum procedure and the statelessness determination procedure?</li> </ul> <p>The Home Office (Ministry responsible for immigration) is the authority in charge of the determination procedure. The asylum procedure and statelessness determination procedure are separate. 'Any asylum claim accepted for substantive consideration takes priority over a stateless application, whether lodged before the application for stateless leave or disclosed in the course of consideration of the application. No consideration will take place until the individual's asylum claim has been finally determined or withdrawn. If an asylum claim succeeds or if other forms of leave are granted, an individual will not concurrently be eligible for leave to remain as a stateless person. A person can apply for leave on the basis of statelessness if their asylum claim is refused. Individuals who have not claimed asylum can also make a stateless leave application '.</p> <p>b. Relationship with Dublin transfers</p> <ul style="list-style-type: none"> <li>▪ Indicate whether your Member State proceeds to Dublin transfers of former asylum seekers who claim to be stateless</li> </ul> <p>Article 1 of the Dublin Regulation (EU) No 604/2013 is clear that the Regulation applies in the determination of MS responsible for examining an application for international protection (asylum) lodged by a third country national or a stateless person. The Asylum claim takes precedence over the application for statelessness. If it is found that another EU state is responsible for an asylum claim under the Dublin arrangements then a Dublin transfer may proceed in the usual way.</p> <p>3. the access to the statelessness determination procedure</p> <ul style="list-style-type: none"> <li>○ Are there legal conditions for submitting a statelessness claim? No</li> <li>○ Practical access to the statelessness determination procedure (where and how to submit a claim for recognition as stateless?) A FLR(S) form must be completed and submitted by post to the Home Office. The form is accessible at <a href="https://www.gov.uk/stay-in-uk-stateless">https://www.gov.uk/stay-in-uk-stateless</a></li> <li>○ What is the applicant's status and what are his rights during the procedure? The applicant will retain the status they had when applying (e.g so if Failed Asylum Seeker will remain as such, an overstayer will remain as overstayer etc)</li> </ul>
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			<p>4. the assessment of claims in regards to</p> <ul style="list-style-type: none"> <li>○ the burden of proof. Does the responsibility to prove statelessness lie with the applicant or is the procedure a collaborative one where the determining authority also seeks to obtain relevant evidence? ‘The burden of proof rests with the applicants who are expected to do all they reasonably can to demonstrate their statelessness. A clear lack of co-operation or evidence of bad faith may lead to refusal of an application Caseworkers must be ready to undertake research or make relevant enquiries of other national authorities where the applicant has been unable to obtain relevant information’.</li> <li>● the extent to which the authorities in your Member State contact consular authorities of countries with which the applicant has links to assess the statelessness claim.</li> </ul> <p>A caseworker might contact consular authorities of countries with which the applicant had links if this was deemed necessary to provide evidence of whether the applicant is stateless. The Home Office will always confirm with the applicant that they are content for them to contact the embassy on the applicant’s behalf. It also encourages the applicant to contact the embassy themselves to assess if they are accepted as a national. ‘Under no circumstances is contact to be made with the authorities of a State (or with any official state-sponsored organization) against which an individual has previously made an asylum claim unless it has been finally concluded (i.e. the applicant is appeals rights exhausted and has no outstanding further submissions) that he or she is neither a refugee nor entitled to subsidiary protection. Even so, there should be no disclosure of the details or the rejection of an asylum claim, and it would be good practice to ensure that the applicant consents to the contact even where the applicant has already approached those same authorities for assistance on nationality matters’</p> <ul style="list-style-type: none"> <li>● the standard of proof. What is the threshold of evidence necessary to determine statelessness?</li> </ul> <p>‘The applicant is required to establish that he or she is not considered a national of any State to the standard of the balance of probabilities, i.e. more likely than not, since the issues to be decided justify a higher standard of proof than the reasonable likelihood required to establish a well-founded fear of persecution in asylum claims, where the issue is the threat to life, liberty and person. For example the apparent absence of a nationality will not meet the higher standard’. In addition to showing that they are stateless an applicant must also show that they are not re-admissible to any country.</p> <ul style="list-style-type: none"> <li>● the types of evidence considered relevant. Evidence relating to the applicant personally and to the state should be considered: ‘ the information that may be relevant can be divided into two categories: evidence relating to the individual’s personal circumstances obtained at interview and in writing, and the evidence concerning the law and practice in the country in question, both with regard to the individual concerned, and also to the group(or groups) of individuals to which the applicant belongs’</li> </ul>
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			<p>Evidence concerning personal history helps identify the State (or States) whose nationality laws and procedures need to be considered in determining an applicant's nationality status. In any given case, the following examples of evidence may be relevant</p> <ul style="list-style-type: none"> <li>• documents regarding applications to acquire nationality or obtain proof of nationality;</li> <li>• testimony of the applicant (i.e. written application, interview);</li> <li>• response(s) from a foreign authority to an enquiry regarding nationality status of an individual (see below);</li> <li>• identity documents (e.g. birth certificate, extract from civil register, national identity card, voter registration document)</li> <li>• certificate of naturalisation;</li> <li>• certificate of renunciation of nationality;</li> <li>• previous responses by States to enquiries on the nationality of the applicant;</li> <li>• marriage certificate;</li> <li>• military service record/discharge certificate;</li> <li>• school certificates;</li> <li>• medical certificates/records (e.g. attestations issued from hospital on birth, vaccination booklets);</li> <li>• identity and travel documents of parents, spouse and children;</li> <li>• immigration documents, such as residence permits of country(ies) of habitual residence;</li> <li>• other documents pertaining to countries of residence (for example, employment documents, property deeds, tenancy agreements, school records, baptismal certificates); and record of sworn oral testimony of neighbours and community members.</li> </ul> <p>5. the effects of having a procedure in place</p> <ul style="list-style-type: none"> <li>○ Has the establishment of a statelessness determination procedure in your Member State created a pull factor of persons claiming to be stateless who were previously residing in territories outside the European Union or the European Economic Area (Liechtenstein, Norway, and Switzerland)? No evidence</li> <li>○ Has the establishment of a statelessness determination procedure in your Member State facilitated secondary movements from another MS to your country? No evidence</li> <li>○ Has the establishment of a statelessness determination procedure in your Member State resulted in additional costs? If so, can you describe what these costs covered? (Staff, office space, etc.) We estimate the direct cost since April 2013 as being around £100,000. This includes Interpreter costs of around £18,000 and staffing costs of around £80,000 (2 x caseworkers for 2 years).</li> </ul> <p>6. Rights and status granted to recognized stateless persons</p>
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			<p>If your MS recognizes stateless status can you please describe:</p> <p>What type of residence permit, authorization of stay or visa is issued? What is its validity? Under paragraph 405 of the Immigration Rules, an applicant who meets the requirements of paragraph 403 may be granted limited leave to remain for a period not exceeding 30 months (2.5 years).</p> <p>Rule 403 states that the requirements for leave to remain in the United Kingdom as a stateless person are that the applicant:</p> <p>(a) has made a valid application to the Secretary of State for limited leave to remain as a stateless person; (b) is recognised as a stateless person by the Secretary of State in accordance with paragraph 401; (c) is not admissible to their country of former habitual residence or any other country; and (d) has obtained and submitted all reasonably available evidence to enable the Secretary of State to determine whether they are stateless.</p> <p>a) Do you issue a travel document to the beneficiary? ‘Persons recognized as stateless and given leave to remain in accordance with this process are entitled to apply for a Travel Document issued in accordance with the UK’s obligations under the 1954 Convention. Applications for a Stateless person travel document should be made using application form TD112 (BRP)’.</p> <p>b) Does the beneficiary of stateless status has access to the labour market? If yes, under which conditions? Yes</p> <p>c) Does the beneficiary have access to education and training? Yes</p> <p>d) Does the beneficiary have access to health care and social aid? Yes</p> <p>7. Statistics</p> <p>The data below refers to applications and positive decisions on the basis of being stateless</p> <p><b>a) numbers of applications for recognition as stateless received over the last five years*</b></p> <table border="1" data-bbox="645 1177 2074 1270"> <thead> <tr> <th></th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013**</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>No. of applications</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>226</td> <td>557</td> </tr> </tbody> </table> <p>**Under paragraph 405 of the Immigration Rules, an applicant who meets the requirements of paragraph 403 may be granted limited leave to remain for a period not exceeding 30 months (2.5 years). *Stateless leave was introduced in April 2013.</p>		2010	2011	2012	2013**	2014	No. of applications	N/A	N/A	N/A	226	557
	2010	2011	2012	2013**	2014										
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b) the number of persons who were recognized as stateless over the last five years\*

	2010	2011	2012	2013**	2014
No. of stateless status granted	N/A	N/A	N/A	2	14

\*\*Under paragraph 405 of the Immigration Rules, an applicant who meets the requirements of paragraph 403 may be granted limited leave to remain for a period not exceeding 30 months (2.5 years).

\*Stateless leave was introduced in April 2013.

❖ c) the regions/countries of origin of the persons applying for recognition as stateless

Birth Country
Afghanistan
Algeria
Bangladesh
Benin
Bolivia
Bosnia and Herzegovina
Brazil
Brunei
Burma (Myanmar)
Cameroon
China
Colombia
Cote D'Ivoire (Ivory Coast)
Cuba
Democratic Republic of the Congo
Djibouti
Ecuador

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			Egypt	
			Eritrea	
			Estonia	
			France	
			Gabon	
			Gambia	
			Ghana	
			Guinea	
			Guyana	
			Haiti	
			Hungary	
			India	
			Iran (Islamic Republic of)	
			Iraq	
			Israel	
			Jamaica	
			Jordan	
			Kenya	
			KOSOVO	
			Kuwait	
			Kyrgyzstan	
			Latvia	
			Lebanon	
			Liberia	
			Libya (Arab Republic)	
			Lithuania	
			Macedonia (Former Yugoslav Republic of)	
			Malawi	
			Malaysia	
			Mauritania	
			Morocco	

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			Mozambique	
			Nationality Currently Unknown	
			Nepal	
			Nigeria	
			Pakistan	
			Palestinian Authority	
			Qatar	
			Romania.	
			Russian Federation	
			Saudi Arabia	
			Sierra Leone	
			Slovakia	
			Somalia	
			South Africa	
			Sri Lanka	
			Stateless Person	
			Sudan	
			Syrian Arab Republic	
			Turkey	
			Uganda	
			United Arab Emirates	
			United Kingdom	
			United States of America	
			Uzbekistan	
			Vietnam	
			Western Sahara	
			Yemen	
			Zambia	
			Zimbabwe	

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			Note: Data are provisional and refer to main applicants. Source: Stateless weekly report, Home Office (unpublished data)												
	<b>Croatia</b>	<b>Yes</b>	<p>Regarding the dedicated procedure in place to identify stateless persons, we inform you that the Ministry of the interior of the Republic of Croatia does not have a dedicated statelessness determination procedure.</p> <p>However, regarding the procedures which are in competence of the Ministry of the Interior (i.e. the asylum procedure, regulating foreigner's status and issuing a travel document for a stateless person, the procedure of acquiring the Croatian nationality), upon submitting an application, MOI is obliged to assess in each case all the relevant elements of the application, which include applicant's statements and all the documentation at the applicant's disposal regarding his/her nationality(ies).</p> <p>When assessing each particular case, the consular authorities of countries with which the applicant has links to, can be contacted. If it is determined during a procedure that an applicant is stateless, he/she will be considered a stateless person for the purposes of that procedure.</p> <p>A person who is <u>undoubtedly</u> determined to be a stateless person, if granted a temporary or permanent residence, can be issued with a travel document for a stateless person. Travel document for a stateless person contains biometric data.</p> <p>Source: Ministry of the Interior</p>												
	<b>Norway</b>	<b>Yes</b>	<p>Norway does not have a stateless determination procedure as such. A person's claim to be stateless is examined as part of the identity determination, according to documentation requirements, procedures and criteria corresponding to those used to determine a claim to having a stated nationality.</p> <p>If a person claiming to be stateless is granted a residence permit in Norway s/he is given the same rights and obligations as others who are granted the same type of residence permit. However, a stateless person may obtain a Norwegian citizenship more quickly than if s/he had citizenship in another country.</p> <p>There are no plans to establish other mechanisms to determine statelessness than the ones described above, which relate to asylum, residence permits and citizenship.</p> <p>Statistics: Number of applications for a residence permit in Norway from persons who were claiming to be stateless 2010 - 2014</p> <table border="1" data-bbox="696 1233 1688 1391"> <thead> <tr> <th></th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>No. of applications for a</td> <td><u>448</u></td> <td><u>262</u></td> <td><u>263</u></td> <td><u>550</u></td> <td><u>800</u></td> </tr> </tbody> </table>		2010	2011	2012	2013	2014	No. of applications for a	<u>448</u>	<u>262</u>	<u>263</u>	<u>550</u>	<u>800</u>
	2010	2011	2012	2013	2014										
No. of applications for a	<u>448</u>	<u>262</u>	<u>263</u>	<u>550</u>	<u>800</u>										

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			residence permit																		
<p>Number of stateless persons who were given a residence permit in Norway 2010 - 2014</p> <table border="1"> <thead> <tr> <th></th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>No. of residence permits granted</td> <td>193</td> <td>122</td> <td>148</td> <td>320</td> <td>410</td> </tr> </tbody> </table> <p>We do not have statistics on the regions/countries of origin of the persons applying for recognition as stateless because registrations in our database are connected to citizenship and not ethnicity. Traditionally most stateless asylum seekers in Norway are from Palestine, but recently we have had some from Syria.</p>											2010	2011	2012	2013	2014	No. of residence permits granted	193	122	148	320	410
	2010	2011	2012	2013	2014																
No. of residence permits granted	193	122	148	320	410																

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